UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,833	06/26/2003	Frederick Schuessler	1400-28 DIV (1081 DIV)	7600

7590	01/08/2004

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EXAMINER
LABAZE, EDWYN

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 November 2003_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-24_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-24_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

13)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.
    a)☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: .

DETAILED ACTION

1.   Receipt is acknowledged of IDS filed on 9/29/2003.

2.   This application is a divisional of application No. 10/013,400 (now pending) filed in

12/30/1999 and claims the benefits of application no. 60/256,007 filed in 12/15/2000.

3.   Claims 1-24 are presented for examination.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United
> States before the invention thereof by the applicant for patent, or on an international application by another who
> has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention
> thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

5.   Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Van Haagen et

al. (U.S. 5,889,270).

Re claim 1: Van Haagen et al. discloses bar code decoding using moving averages to

break the (n, k) code barrier for UPC, EAN, code 128 and others, which includes means of

determining a pattern of printed areas and spaces in the existing encodation scheme for a data input (col.6, lines 30-67; col.9, lines 15-63); the printed areas and spaces each having a respective length in at least one dimension as a function of a given unit length for encoding information (col.11, lines 45+); and adding [or using spaces and widths adjustments to produce a compensated bar code so as to improve capture of bar code symbology on curved surfaces as disclosed in col.24, lines 1-15] a predetermined length to the length of each space while the length of each printed area remains unchanged to produce a modified code symbol (col.13, lines 3+).

Re claim 2: Van Haagen et al. teaches a system and method, wherein the existing optical code encodation scheme [using a BCB encoder Program where the data is encoded into a two-dimensional code] is a binary code encodation scheme (col.13, lines 35+).

Re claim 3: Van Haagen et al. discloses a system and method, wherein the existing binary code encodation scheme is for an existing binary [or a two-dimensional] code symbology (col.13, lines 42).

Re claim 4: Van Haagen et al. teaches a system and method, wherein the existing optical code encodation scheme is a bar code encodation scheme (col.16, lines 12-67; col.56, lines 1+).

Re claim 5, 16: Van Haagen et al. discloses a system and method, wherein the existing bar code encodation scheme is for an existing bar code symbology (col.16, lines 12-67; col.56, lines 1+).

Re claims 6 and 17: Van Haagen et al. teaches a system and method, wherein the bar code encodation scheme encodes a bar code [as shown in figs. # 1, 3-8 of Van Haagen et al.] having bars of varying lengths and spaces of varying lengths at least equal to a length of a

narrowest space, and wherein the predetermined length is function of the length of the narrowest space (col.18, lines 42+).

Re claims 7 and 18: Nelson discloses a system and method, wherein the bar code is an n, k bar code [such as a PD417 as disclosed by Van Haagen et al. in col.2, lines 8-16] and wherein the predetermined length is a function of a module width of the resulting bar code symbol (col.18, lines 45-67; col.19, lines 1-67; col.20, lines 1-67).

Re claims 8, 20: Van Haagen et al. discloses a system and method, further comprising adding auto-discrimination to the modified code symbol to enable a reader to determine that the modified code symbol is an ink-spread compensated variant for the decoding thereof and the amount of added length to each space (col.5, lines 63-67; col.6, lines 1-67; col.7, lines 1+; col.55, lines 35+).

Re claims 9-11 and 13-15: Van Haagen et al. teaches a system and method, wherein the predetermined length is x modules, [wherein x is 0.5 and/or 1 module as taught by Van Haagen et al. in col.40, lines 17-25] $0 < x < or = 2$ (col.35, lines 33-64).

Re claim 12: Van Haagen et al. discloses a system and method, wherein the n, k barcode is an 11, 3 bar code [see col.13, lines 63; col.14, lines 65+] having bars and spaces with respective lengths varying from 1 to 4 modules (col.20, lines 32+; col.31, lines 35-48; col.32, lines 45-63).

Re claim 19: Van Haagen et al. teaches a system and method, further comprising of means of dividing the encodation scheme into at least a first and a second set of data characters; and the step of determining selecting the pattern from the second set, the different characters in

the first and second sets providing an auto-discrimination feature to identify an ink-spread compensated code symbol (col.25, lines 20-67; col.26, lines 1+).

Re claim 21: Van Haagen et al. discloses a system and method, further comprising the step of adding a data character to the modified code symbol to identify as an ink-spread compensated variant (col.7, lines 14-51).

Re claim 22: Van Haagen et al. teaches a system and method, wherein code symbols generated according to wherein code symbols generated according to the existing optical code encodation scheme have an existing first start pattern and an existing first stop pattern, the step of adding auto-discrimination comprising at least one of using a second start pattern in place of the existing first start pattern in the modified code symbol (col.11, lines 59+), and using a second stop pattern in place of the existing stop pattern in the modified code symbol (col.12, lines 50-67).

Re claim 23: Van Haagen et al. discloses a system and method, wherein code symbols generated according to the existing optical code encodation scheme having a first finder pattern [a "finder pattern or routine" is commonly known in the art a "the Start or Stop pattern" of the symboloby] and wherein the step of adding auto-discrimination [Van Haagen et al. refers to the auto-discrimination means as a scan of a binary coded binary/BCB] comprises providing a second finder pattern in the modified code symbol in place of the first finder pattern (as shown in figs. # 8 A-B of Van Haagen et al.; col.55, lines 35+).

Re claim 24: Van Haagen et al. teaches a system and method, comprising of discriminating that the bar code symbol is an ink-spread compensated variant and determining the amount of the added length (col.51, lines 5-67; col. 52, lines 1-67; col.53, lines 1-35);

normalizing [using arithmetic mean and median calculations] the width of a character to add the

total added length (col.3, lines 40-67; col.4, lines 1-36); and varying the threshold for the spaces

to compensate for the length added thereto (col.33, lines 45-60; col.35, lines 19-24, col.44, lines

5+).

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Oliver (U.S. 5,468,946) discloses method and apparatus for decoding multi-level bar

codes or bi-level bar codes.

Herzig (U.S. 5,850,080) teaches verification of barcodes.

Wright, IV et al. (U.S. 5,853,252) discloses method and apparatus for U.P.C./EAN

symbology ambiguous character compensation by localized thermal energy dot adjustment.

Iwaguchi et al. (U.S. 6,247,646) teaches bar code reader, and bar code reading method.

Nelson (U.S. 6,556,690) discloses articles bearing invisible encodements on curved

surfaces.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to EDWYN LABAZE whose telephone number is (703) 305-5437.

The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone number for the

organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 308-1782.

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
December 11, 2003

THIEN M. LE
PRIMARY EXAMINER